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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,214	06/30/2003	Andre Coutu	134821	7665
28080	7590	06/13/2005	EXAMINER	
CRAIG WILSON 2570 MATHESON BLVD. EAST SUITE 211 MISSISSAUGA, ON L4W 4Z3 CANADA			SAINT SURIN, JACQUES M	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/608,214

Applicant(s)

COUTU ET AL.

Examiner

Jacques M. Saint-Surin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-12,15,16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,6-12,15,16 and 18-24 is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is responsive to the amendment of 04/04/05.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt (US Patent 6,556,956) in view of Applicant's admitted prior art.

Regarding claim 1, Hunt discloses a method for analyzing turbine noise vibrations (remote monitoring system 10 that is capable of continuous diagnostic monitoring of rotating machinery 12 located at geographically dispersed locations, see: col. 2, lines 28-31 and Fig. 1) comprising the steps of: receiving (data acquisition unit 14, see: Fig. 1 and col. 2, line 38) at an expert site (on-site computer system 20) recorded noise information relating to noise of a hydraulic turbine (machine 12, see: Fig. 1 and col. 2, line 39) recorded at a remote site either during turbine operation at the remote site or intentionally produced for test purposes at the remote site (remote monitoring system 10 that is capable of continuous diagnostic monitoring of rotating machinery 12 located at geographically dispersed locations, see: col. 2, lines 28-31 and Fig. 1); and analyzing the recorded noise information at the expert site (the data is processed at the data acquisition units 14 and analyzed at the central monitoring station 16, see: col. 2, lines 42-44). However, Hunt does not disclose recommending

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modifications to hydraulic turbine design to eliminate the singing noise vibrations during operation of the hydraulic turbine operating at less than peak efficiency. Applicant's admitted prior art discloses this dynamic phenomena is known to create audible vibrations which may be referred to as a hydraulic turbine "singing". Sound recordings of the turbine singing have been made in the past with dedicated equipment that required well-trained and highly specialized experts taking and analyzing the recordings at the turbine site. It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize in Hunt the techniques of Applicant's admitted prior art because recording singing noise and recommending modifications to hydraulic line turbine design was well known at the time of the invention and therefore these techniques would be at level of the ordinary skill in the art.

Regarding claim 3, Hunt discloses a separate data acquisition unit 14 is associated with each rotating machine 12. The data acquisition units 14 collect data from the corresponding machines 12 and transfer the data to a central monitoring station 16 via respective communication links 18. In one embodiment, the data is processed at the data acquisition units 14 and analyzed at the central monitoring station 16. The communication links 18 can be any type of transmission link such as, but not limited to, telephone lines or the Internet, see: col. 2, lines 38-46).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3-4, 6-13, 15-16 and 18-24 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

5. Claims 3-4, 6-13, 15-16 and 18-24 are allowed.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

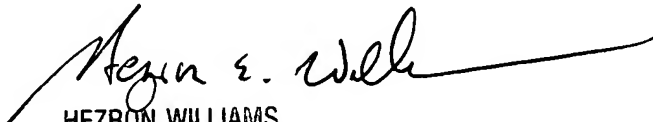
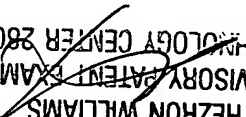
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques M. Saint-Surin whose telephone number is (571) 272-2206. The examiner can normally be reached on Mondays through Fridays 10:30 A.M. -7:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272 2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jacques M. Saint-Surin  
June 07, 2005

  
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